

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*

Defendants.

06 OCT 13 PM 4:39

CLERK-SANTA FE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Rutheron & Plaza Blanca, Section 7

Subfile No.: CHRU-003-0001A-SP

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer and Defendant(s):

ALFRED O. PERALTA
ELIZABETH T. PERALTA

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the State of New Mexico the Defendant(s) and the subject matter of this suit.
2. The State of New Mexico and the Defendant(s) are in agreement concerning the Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rutheron & Plaza Blanca, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rutheron & Plaza Blanca, Section 7, is set forth below:

A. POND(S) (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: 1975

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: STOCKWATERING AND RECREATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Within the Tierra Amarilla Grant	2.0 acres
Total	2.0 acres

Pond Depth: 5.7 feet

Pond Volume: 6.84 acre-feet

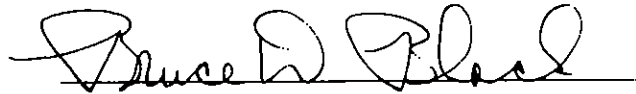
Dam Height: 7.0 feet

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-003-0001A-SP

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rutheron & Plaza Blanca, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rutheron & Plaza Blanca, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

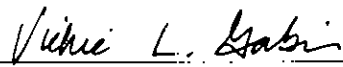
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rutheron & Plaza Blanca, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rutheron & Plaza Blanca, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

SIGNATURE


ELIZABETH T. PERALTA

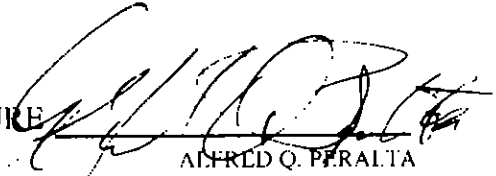
ADDRESS:

Box 4335 NDCBU
TAOS, NM 87571

DATE:

9-26-06

SIGNATURE


ALFRED Q. PERALTA

ADDRESS:

Box 4335 NDCBU
TAOS, NM 87571

DATE:

9-26-06



ERNEST L. PADILLA, ESQ.

Attorney for Defendants

P.O. BOX 2523

SANTA FE, NM 875042523

9/28/06
Date



EDWARD G. NEWVILLE

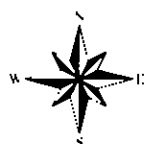
Special Assistant Attorney General

10.6.06
Date

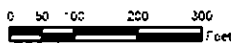


LEGEND

- Irrigated Tract Boundary ● Point of Diversion
- No Right Tract Boundary (P) Fallow
- Steeped Area (S) No Right
- Operable Ditch
- Inoperable Ditch
- Stock Ponds / Reservoir



1 inch = 300 feet



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rutheron & Plaza Blanca Section

Subfile Number
CHRU 003-0001A-SP
Willow Creek
Mesa Ditch
AMENDED
September 5, 2006

